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THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION

In the Matter of:)
) File No. A-04060-A
DRIVE PLANNING, LLC)

WITNESS: Jacqueline Burkhalter
PAGES: 1 Through 32
PLACE: Securities and Exchange Commission
Atlanta Regional Office
950 East Paces Ferry Rd NE, Suite 900
Atlanta, GA 30326
DATE: Tuesday, July 16th, 2024

The above entitled matter came on for hearing,
pursuant to notice, at 9:42 a.m.

Diversified Reporting Services, Inc.
(202) 467-9200

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1 APPEARANCES:

2

3 On behalf of the Securities and Exchange Commission:

4 AUSTIN STEPHENSON, ESQ.

5 PATRICK HUDDLESTON, ESQ.

6 PETER DISKIN, ESQ.

7 JUSTINE A. RAINFORD, SEC INTERN

8 Securities and Exchange Commission

9 950 East Paces Ferry Rd NE, Suite 900

10 Atlanta, GA 30326

11 (404) 842-7600

12

13 On behalf of the Witness:

14 CECI CHRISTY, ESQ.

15 Rountree Leitman Klein & Geer

16 2987 Clairmont Road, Suite 350

17 Atlanta, Georgia 30329

18 (404) 584-1238

19 cchristy@rlkglaw.com

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C O N T E N T S

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WITNESS

Jacqueline Burkhalter

EXAMINATION

5

EXHIBITS:

DESCRIPTION

IDENTIFIED

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Form 1662

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PPM of Backswing Ventures

7

1 P R O C E E D I N G S

2 MR. STEPHENSON: On the record at
3 9:42 a.m. on Tuesday, July 16, 2024.

4 Ms. Burkhalter, please raise your
5 right hand.

6 Whereupon,

7 JACQUELINE BURKHALTER

8 having been previously sworn, testifies as
9 follows:

10 MR. STEPHENSON: Ms. Burkhalter,
11 please state your full name and spell your
12 name for the record.

13 THE WITNESS: Jacqueline Ann
14 Burkhalter. J-a-c-q-u-e-l-i-n-e, Ann is A-
15 n-n, B-u-r-k-h-a-l-t-e-r.

16 MR. STEPHENSON: I'm Austin
17 Stephenson, and I'm joined here by Peter
18 Diskin and Pat Huddleston. We are officers
19 of the Commission for purposes of this
20 proceeding. We're also joined today by
21 Justine Rainford, an intern for the
22 Commission.

23 This is an investigation by the
24 United States Securities and Exchange
25 Commission in the matter of Drive Planning,

1 LLC, to determine whether there have been
2 violations of certain provisions of federal
3 securities laws. However, the facts
4 developed in this investigation might
5 constitute violations of other federal or
6 state, civil, or criminal laws.

7 Prior to the opening of record,
8 you were provided a copy of the Formal
9 Order of Investigation in this matter. It
10 will be available for your examination
11 during the course of this proceeding.

12 Ms. Burkhalter, have you had an
13 opportunity to review the Formal Order of
14 Investigation?

15 THE WITNESS: Yes.

16 MR. STEPHENSON: I have an
17 exhibit to hand you.

18 (SEC Exhibit No. 9 was marked
19 for identification.)

20 EXAMINATION

21 BY MR. STEPHENSON:

22 **Q I'm handing you what's been**
23 **previously marked Exhibit 9, entitled**
24 **Supplemental Information for Persons**
25 **Requested to Supply Information Voluntarily**

1 or Directed to Provide Information Pursuant
2 to a Commission Subpoena.

3 Let me know when you've finished
4 reviewing it. It was included with the
5 subpoena.

6 MS. CECI CHRISTY: Mm-hm. Thank
7 you.

8 BY MR. STEPHENSON:

9 Q Mrs. Burkhalter, have you had an
10 opportunity to review SEC Exhibit No. 9?

11 A Yes.

12 Q Do you have any questions
13 concerning SEC Exhibit No. 9?

14 A No.

15 Q Ms. Burkhalter, are you
16 represented by counsel here today?

17 A Yes.

18 MR. STEPHENSON: Would counsel
19 please identify themselves for the record.

20 MS. CHRISTY: Ceci Christy of
21 Rountree Leitman Klein & Geer.

22 MR. STEPHENSON: Ms. Christy, are
23 you representing Ms. Burkhalter as counsel
24 today?

25 MS. CHRISTY: Yes.

1 MR. STEPHENSON: One more exhibit
2 to give Ms. Burkhalter.

3 (SEC Exhibit No. 10 was marked
4 for identification.)

5 MR. STEPHENSON: This has been
6 previously marked Exhibit 10.

7 MS. CHRISTY: We've seen this
8 before.

9 BY MR. STEPHENSON:

10 **Q Ms. Burkhalter, this copy of the**
11 **subpoena has been previously marked as SEC**
12 **Exhibit No. 10.**

13 **Is this a copy of the subpoena**
14 **you're appearing here pursuant to today?**

15 A Yes.

16 **Q Thank you.**

17 **Ms. Burkhalter, what's your date**
18 **of birth?**

19 A I respectfully decline to answer
20 based on my rights under the Fifth
21 Amendment to the Constitution. As stated
22 by the U.S. Supreme Court, one of the Fifth
23 Amendment's basic functions is to protect
24 innocent men who otherwise might be
25 ensnared by ambiguous circumstances.

1 Q And just to clarify so we're a
2 hundred percent crystal clear on the
3 record, when you reference your Fifth
4 Amendment right, are you referring to your
5 Fifth Amendment right against self-
6 incrimination?

7 A Yes.

8 Q Okay. Ms. Christy, we can do
9 this however you want. I'm going to be
10 asking a lot of questions, and I expect
11 your client will invoke her Fifth Amendment
12 rights. If we want to avoid her reading
13 the statement each time, we can agree, if
14 you're amenable, to her just saying she
15 invokes her Fifth Amendment privilege.

16 MS. CHRISTY: That's fine.

17 THE WITNESS: Okay.

18 BY MR. STEPHENSON:

19 Q I do have to read -- it's
20 important -- just in response to your
21 invocation of your Fifth Amendment rights.

22 I'm not authorized to compel you
23 to give
24 evidence or testimony as to which you
25 assert your privilege against self-

1 incrimination, and I have no intention of
2 doing so. In addition, I do not have the
3 authority to compel your testimony by
4 granting you immunity from prosecution.

5 Any question that I ask hereafter
6 will be with the understanding that if you
7 wish to assert your privilege, you need
8 merely state that you refuse to answer on
9 the grounds that your answer might
10 incriminate you. In other words, you are
11 not compelled to answer any further
12 questions if you believe that a truthful
13 answer to the question might show that you
14 committed a crime and you wish to assert
15 your privilege against self-incrimination.
16 Accordingly, if you answer any questions,
17 you will be doing so voluntarily.

18 Do you understand?

19 A Yes.

20 MS. CHRISTY: May I make a
21 statement on the record, that Ms.
22 Burkhalter decision not to answer questions
23 does not imply guilt on her part and does
24 not imply that any answer she may give
25 would be incriminating as to her.

1 BY MR. STEPHENSON:

2 Q I do want -- so I have something
3 that I was going to read that was relevant
4 to that.

5 You should be aware that if you
6 refuse to answer a question based on your
7 Fifth Amendment privilege, a judge or jury
8 may take an adverse inference against you
9 in a civil action that the SEC may
10 determine to bring against you. That means
11 the judge or jury would be permitted to
12 infer that your answer to the questions
13 might incriminate you.

14 Do you understand this?

15 A Yes.

16 Q Okay. Understood.

17 What's your current address, Ms.
18 Burkhalter?

19 A I invoke my Fifth Amendment
20 right.

21 Q Are you currently married?

22 A I invoke my Fifth Amendment
23 right.

24 Q What is Drive Planning, LLC?

25 A I invoke my Fifth Amendment

1 right.

2 Q Have you ever been employed by
3 Drive Planning?

4 A I invoke my Fifth Amendment
5 right.

6 Q Have you ever done any work on
7 behalf of Drive Planning?

8 A I invoke my Fifth Amendment
9 right.

10 Q Have you ever provided anything
11 of value to Drive Planning?

12 A I invoke my Fifth Amendment
13 right.

14 Q Have you ever received funds from
15 Drive Planning?

16 A I invoke my Fifth Amendment
17 right.

18 Q Have you ever received funds
19 belonging to clients of Drive Planning?

20 A I invoke my Fifth Amendment
21 right.

22 Q Have you ever been a signatory on
23 any Drive Planning bank accounts?

24 A I invoke my Fifth Amendment
25 right.

1 Q Have you ever reviewed any bank
2 statements relating to Drive Planning bank
3 accounts?

4 A I invoke my Fifth Amendment
5 right.

6 Q Have you ever used any debit or
7 credit cards under Drive Planning's
8 account?

9 A I invoke my Fifth Amendment
10 right.

11 Q Did you ever use Drive Planning
12 credit cards for personal expenses?

13 A I invoke my Fifth Amendment
14 right.

15 Q Did you reach a settlement in
16 connection with your divorce action against
17 Russell Todd Burkhalter?

18 A I invoke my Fifth Amendment
19 right.

20 Q Has any settlement with Russell
21 Todd Burkhalter been filed with the Court?

22 A I invoke my Fifth Amendment
23 right.

24 Q Has the settlement been
25 finalized?

1 A I invoke my Fifth Amendment
2 right.

3 Q Have you or will you receive real
4 estate as part of the divorce settlement?

5 A I invoke my Fifth Amendment
6 right.

7 Q Was real estate conveyed to you,
8 or will real estate be conveyed to you by
9 one of the Drive Planning entities?

10 A I invoke my Fifth Amendment
11 right.

12 Q Did you or will you receive cash
13 as part of your divorce settlement?

14 A I invoke my Fifth Amendment
15 right.

16 Q Did cash come or will cash come
17 as part of the divorce settlement from any
18 Drive Planning bank account?

19 A I invoke my Fifth Amendment
20 right.

21 Q Do you have any ownership
22 interest in property located at [REDACTED]
23 [REDACTED], Mineral Bluff, Georgia?

24 A I invoke my Fifth Amendment
25 right.

1 Q Did Drive Planning provide any
2 funds to assist you in the purchase of
3 property located at [REDACTED]?

4 A I invoke my Fifth Amendment
5 right.

6 Q Did you provide anything
7 of value in exchange for funds that Drive
8 Planning may have provided for the purchase
9 of [REDACTED]?

10 A I invoke my Fifth Amendment
11 right.

12 Q Do you have any ownership
13 interest in property located at [REDACTED]
14 [REDACTED], Mineral Bluff, Georgia?

15 A I invoke my Fifth Amendment
16 right.

17 Q Did Drive Planning provide any
18 funds to assist you in purchasing property
19 located at [REDACTED]?

20 A I invoke my Fifth Amendment
21 right.

22 Q Did you provide anything of value
23 in exchange for funds that Drive Planning
24 may have provided for the purchase of [REDACTED]
25 [REDACTED]?

1 A I invoke my Fifth Amendment
2 right.

3 Q Do you have any ownership
4 interest in property located at [REDACTED]
5 [REDACTED], Mineral Bluff, Georgia?

6 A I invoke my Fifth Amendment
7 right.

8 Q Did Drive Planning providing any
9 funds to assist you in purchasing property
10 located at [REDACTED]?

11 A I invoke my Fifth Amendment
12 right.

13 Q Did you provide anything of value
14 in exchange for funds that Drive Planning
15 may have provided for purchase of [REDACTED]
16 [REDACTED]?

17 A I invoke my Fifth Amendment
18 right.

19 Q Just a couple of more on the
20 property.

21 Q Do you have any ownership
22 interest in [REDACTED], Mineral Bluff,
23 Georgia?

24 A I invoke my Fifth Amendment
25 right.

1 Q Did Drive Planning provide any
2 funds to assist you in purchasing property
3 located at [REDACTED]?

4 A I invoke my Fifth Amendment
5 right.

6 Q Did you provide anything of value
7 in exchange for funds Drive Planning may
8 have provided for the purchase of [REDACTED]
9 [REDACTED]?

10 A I invoke my Fifth Amendment
11 right.

12 Q Do you have any ownership in [REDACTED]
13 [REDACTED], in St.
14 Petersburg, Florida?

15 A I invoke my Fifth Amendment
16 right.

17 Q Did Drive Planning provide any
18 funds to assist you in purchasing property
19 located at [REDACTED] in
20 St. Petersburg?

21 A I invoke my Fifth Amendment
22 right.

23 Q Did you provide anything of value
24 in exchange for funds that Drive Planning
25 may have provided for purchase of [REDACTED]

1 [REDACTED]?

2 A I invoke my Fifth Amendment
3 right.

4 Q **Ms. Burkhalter, have any**
5 **properties you owned ever produced revenue**
6 **that was provided to Drive Planning?**

7 A I invoke my Fifth Amendment
8 right.

9 Q **What's the Burkhalter Ranch**
10 **Corporation?**

11 A I invoke my Fifth Amendment
12 right.

13 Q **Do you have any ownership**
14 **interest in the Burkhalter Ranch**
15 **Corporation?**

16 A I invoke my Fifth Amendment
17 right.

18 Q **Have you ever worked for the**
19 **Burkhalter Ranch Corporation?**

20 A I invoke my Fifth Amendment
21 right.

22 Q **Has Burkhalter Ranch Corporation**
23 **received funds from Drive Planning?**

24 A I invoke my Fifth Amendment
25 right.

1 Q Has Burkhalter Ranch Corporation
2 received any property from Drive Planning?

3 A I invoke my Fifth Amendment
4 right.

5 Q Has Burkhalter Ranch Corporation
6 performed any work whatsoever for Drive
7 Planning?

8 A I invoke my Fifth Amendment
9 right.

10 Q Has Burkhalter Ranch Corporation
11 provided anything of value for Drive
12 Planning?

13 A I invoke my Fifth Amendment
14 right.

15 Q Have you provided anything of
16 value in exchange for funds or assets that
17 Drive Planning may have provided to
18 Burkhalter Ranch Corporation?

19 A I invoke my Fifth Amendment
20 right.

21 Q At any point if you need to take
22 a break, if you need water or anything like
23 that, once we finish your questioning, let
24 me know.

25 Q What is TBR Supply House, Inc.?

1 A I invoke my Fifth Amendment
2 right.

3 Q Do you have any ownership
4 interest in TBR Supply House?

5 A I invoke my Fifth Amendment
6 right.

7 Q Has TBR Supply House received any
8 funds from Drive Planning?

9 A I invoke my Fifth Amendment
10 right.

11 Q Has TBR Supply House
12 received any property from Drive Planning?

13 A I invoke my Fifth Amendment
14 right.

15 Q Has TBR Supply House performed
16 any work for Drive Planning?

17 A I invoke my Fifth Amendment
18 right.

19 Q Has TBR Supply House provided
20 anything of value to Drive Planning?

21 A I invoke my Fifth Amendment
22 right.

23 Q Have you provided anything of
24 value in exchange for funds or assets that
25 Drive Planning may have provided to TBR

1 **Supply House?**

2 A I invoke my Fifth Amendment
3 right.

4 **Q What is Drive Properties, LLC?**

5 A I invoke my Fifth Amendment
6 right.

7 **Q Do you have any ownership
8 interest in Drive Properties, LLC?**

9 A I invoke my Fifth Amendment
10 right.

11 **Q Have you ever worked for
12 Drive Properties, LLC?**

13 A I invoke my Fifth Amendment
14 right.

15 **Q Has Drive Properties, LLC,
16 received any funds from Drive Planning?**

17 A I invoke my Fifth Amendment
18 right.

19 **Q Has Drive Properties, LLC,
20 received any property from Drive Planning?**

21 A I invoke my Fifth Amendment
22 right.

23 **Q Has Drive Properties, LLC,
24 performed any work for Drive Planning?**

25 A I invoke my Fifth Amendment

1 right.

2 Q Has Drive Properties, LLC,
3 provided anything of value to Drive
4 Planning?

5 A I invoke my Fifth Amendment
6 right.

7 Q Have you provided anything of
8 value in exchange for funds or assets that
9 Drive Planning may have provided to Drive
10 Properties, LLC?

11 A I invoke my Fifth Amendment
12 right.

13 Q There will be a few more
14 corporate entities.

15 MS. CHRISTY: Mm-hm.

16 BY MR. STEPHENSON:

17 Q What is CC Lot 33, LLC?

18 A I invoke my Fifth Amendment
19 right.

20 Q Do you have any ownership
21 interest in CC Lot 33, LLC?

22 A I invoke my Fifth Amendment
23 right.

24 Q Have you ever worked for CC Lot
25 33, LLC?

1 A I invoke my Fifth Amendment
2 right.

3 Q **Has CC Lot 33, LLC, received any**
4 **funds from Drive Planning?**

5 A I invoke my Fifth Amendment
6 right.

7 Q **Has CC Lot 33, LLC, received any**
8 **property from Drive Planning?**

9 A I invoke my Fifth Amendment
10 right.

11 Q **Has CC Lot 33, LLC, performed any**
12 **work for Drive Planning?**

13 A I invoke my Fifth Amendment
14 right.

15 Q **Has CC Lot 33, LLC, provided**
16 **anything of valuing to Drive Planning?**

17 A I invoke my Fifth Amendment
18 right.

19 Q **Have you provided anything of**
20 **value in exchange for funds or assets that**
21 **Drive Planning may have provided to CC Lot**
22 **33, LLC?**

23 A I invoke my Fifth Amendment
24 right.

25 Q **What is Staurolite Barn, LLC?**

1 A I invoke my Fifth Amendment
2 right.

3 Q "Staurolite" is spelled S-t-a-u-
4 r-o-l-i-t-e, for the record.

5 Q Do you have any ownership
6 interest in Staurolite Barn?

7 A I invoke my Fifth Amendment
8 right.

9 Q Have you ever worked for
10 Staurolite Barn?

11 A I invoke my Fifth Amendment
12 right.

13 Q Has Staurolite Barn --

14 A Can I correct him on the saying
15 of the name?

16 MS. CHRISTY: Sure.

17 THE WITNESS: It's starlight.

18 BY MR. STEPHENSON:

19 Q Starlight?

20 A Mm-hm. It's a mineral.

21 Q Does that sound like s-t-a-r?

22 A Mm-hm.

23 Q Has Staurolite Barn received any
24 funds from Drive Planning?

25 A I invoke my Fifth Amendment

1 right.

2 Q Has Staurolite Barn received any
3 property from Drive Planning?

4 A I invoke my Fifth Amendment
5 right.

6 Q Has Staurolite Barn performed any
7 work for Drive Planning?

8 A I invoke my Fifth Amendment
9 right.

10 Q Has Staurolite Barn provided
11 anything of value to Drive Planning?

12 A I invoke my Fifth Amendment
13 right.

14 Q Have you provided anything of
15 value in exchange for funds or assets that
16 Drive Planning may have provided to
17 Staurolite Barn?

18 A I invoke my Fifth Amendment
19 right.

20 Q What is Drive Gulfport
21 Properties, LLC?

22 A I invoke my Fifth Amendment
23 right.

24 Q Do you have any ownership
25 interest in Drive Gulfport Properties?

1 A I invoke my Fifth Amendment
2 right.

3 Q **Have you ever worked for Drive**
4 **Gulfport Properties?**

5 A I invoke my Fifth Amendment
6 right.

7 Q **Has Drive Gulfport Properties**
8 **received any funds from Drive Planning?**

9 A I invoke my Fifth Amendment
10 right.

11 Q **Has Drive Gulfport Properties**
12 **received any property from Drive Planning?**

13 A I invoke my Fifth Amendment
14 right.

15 Q **Has Drive Gulfport Properties**
16 **performed any work for Drive Planning?**

17 A I invoke my Fifth Amendment
18 right.

19 Q **Has Drive Gulfport Properties**
20 **provided anything of value to Drive**
21 **Planning?**

22 A I invoke my Fifth Amendment
23 right.

24 Q **Have you provided anything of**
25 **value in exchange for funds or assets that**

1 **Drive Planning may have provided to Drive**
2 **Gulfport Properties?**

3 A I invoke my Fifth Amendment
4 right.

5 Q **One more. What is Drive Real**
6 **Estate, LLC?**

7 A I invoke my Fifth Amendment
8 right.

9 Q **Do you have any ownership**
10 **interest in Drive Real Estate, LLC?**

11 A I invoke my Fifth Amendment
12 right.

13 Q **Have you ever worked for Drive**
14 **Real Estate, LLC?**

15 A I invoke my Fifth Amendment
16 right.

17 Q **Has Drive Real Estate, LLC,**
18 **received any funds from Drive Planning?**

19 A I invoke my Fifth Amendment right

20 Q **Has Drive Real Estate, LLC,**
21 **received any property from Drive Planning?**

22 A I invoke my Fifth Amendment
23 right.

24 Q **Has Drive Real Estate, LLC,**
25 **performed any work for Drive Planning?**

1 A I invoke my Fifth Amendment
2 right.

3 Q Has Drive Real Estate, LLC,
4 providing anything of value to Drive
5 Planning?

6 A I invoke my Fifth Amendment
7 right.

8 Q Have you provided anything of
9 value in exchange for funds or assets that
10 Drive Planning may have provided to Drive
11 Real Estate, LLC?

12 A I invoke my Fifth Amendment
13 right.

14 Q Ms. Burkhalter, were you ever
15 aware of Drive Planning using new-investor
16 funds to
17 pay off existing liabilities to existing
18 investors?

19 A I invoke my Fifth Amendment
20 right.

21 Q Were you ever aware of Russell
22 Todd Burkhalter using Drive Planning
23 investor funds to pay his personal
24 expenses?

25 A I invoke my Fifth Amendment

1 right.

2 Q Did you ever use Drive Planning
3 investor funds to pay your personal
4 expenses?

5 A I invoke my Fifth Amendment
6 right.

7 Q Did you ever use any Drive
8 Planning funds for personal expenses?

9 A I invoke my Fifth Amendment
10 right.

11 Q Has Drive Planning ever made
12 payments to a personal credit card of
13 yours?

14 A I invoke my Fifth Amendment
15 right.

16 Q Did you ever suspect that Drive
17 Planning might be engaged in fraudulent
18 conduct?

19 A I invoke my Fifth Amendment
20 right.

21 Q Did you ever suspect that Russell
22 Todd Burkhalter might be engaged in
23 fraudulent conduct?

24 A I invoke my Fifth Amendment
25 right.

1 Q Did you ever suspect that Drive
2 Planning or your husband might be operating
3 a Ponzi scheme through Drive Planning?

4 A I invoke my Fifth Amendment
5 right.

6 MR. STEPHENSON: You want to take
7 a break?

8 MR. PETER DISKIN: Let's take a
9 short break.

10 MR. STEPHENSON: Five-minute
11 break.

12 MS. CHRISTY: Sure.

13 MR. STEPHENSON: Off the record
14 at 10:01.

15 (A brief recess was taken.)

16 MR. STEPHENSON: Back on the
17 record at 10:03 a.m. At this juncture,
18 Ms. Christy, you have the right to ask the
19 any questions you may want.

20 MS. CHRISTY: I don't have any
21 questions.

22 MR. STEPHENSON: That's all the
23 questions we have for you today, Ms.
24 Burkhalter. Thank you for your time.

25 COURT REPORTER: Transcribed?

1 MR. STEPHENSON: Yes, please.

2 Off the record at 10:03 a.m.

3 (Whereupon, at 10:03 a.m., the

4 examination was concluded.)

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PROOFREADER'S CERTIFICATE

In The Matter of: DRIVE PLANNING, LLC
Witness: Jacqueline Burkhalter
File No. A-04060-A
Date: Tuesday, July 16th, 2024
Location: Atlanta, GA

This is to certify that I, Kyleigh McGinnis,
(the undersigned), do hereby certify that the foregoing
transcript is a complete, true, and accurate
transcription of all matters contained on the recorded
proceedings of the investigative testimony.

Kyleigh McGinnis
Date 7/29/2024

REPORTER'S CERTIFICATE

GEORGIA:

FULTON COUNTY:

I hereby certify that the foregoing proceedings were stenographically recorded by me as stated in the caption, and the colloquies, questions and answers were reduce to typewriting under my direction; that the foregoing transcript is a true and correct record of the evidence given.

The above certification is expressly withdrawn and denied upon the disassembly or photocopying of the foregoing transcript, unless said disassembly or photocopying is done under the auspices of BULL AND ASSOCIATES, INC., Certified Court Reporters, and the signature and original seal is attached thereto.

I further certify that I am not a relative, employee, attorney or counsel of the parties, nor am I a relative or employee of such attorney or of any party, nor am I financially interested in the outcome of the action. This day Tuesday, July 16th, 2024.

MEG ARMISTEAD,

Certified Court Reporter (B-2011)

My commission expires March 31, 2025